



General Assembly

January Session, 2009

Amendment

LCO No. 7664

SB0077207664SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

REP. SPALLONE, 36th Dist.

To: Subst. Senate Bill No. 772

File No. 188

Cal. No. 189

**"AN ACT CONCERNING THE POSTING OF PUBLIC AGENCY
MINUTES UNDER THE FREEDOM OF INFORMATION ACT."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1-225 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The meetings of all public agencies, except executive sessions, as
6 defined in subdivision (6) of section 1-200, shall be open to the public.
7 The votes of each member of any such public agency upon any issue
8 before such public agency shall be reduced to writing and made
9 available for public inspection within forty-eight hours and shall also
10 be recorded in the minutes of the session at which taken. Within seven
11 days of the session to which such minutes refer, such minutes shall be
12 available for public inspection and, within fourteen days of such
13 session, such minutes shall be posted on such public agency's Internet
14 web site, if available. For a period of five years from the effective date

15 of this section, such web site posting requirement shall not be deemed
16 to apply to any public agency of a municipality with a population of
17 ten thousand or fewer residents. Notwithstanding the provisions of
18 this subsection, no public agency of any municipality shall be deemed
19 to be in violation of this chapter for the failure to post minutes of such
20 agency's sessions on the Internet web site of such public agency within
21 fourteen days of the session to which such minutes refer, (1) for the
22 period beginning October 1, 2008, and ending December 31, 2009, if
23 such public agency files a notice with the town clerk of the applicable
24 municipality indicating the reason for such failure, and (2) for the
25 period beginning January 1, 2010, and ending January 1, 2011,
26 following a vote of the applicable legislative body of such
27 municipality, if such public agency files a notice with the commission
28 describing the hardship that prevents such public agency from
29 complying with such requirement. In any municipality with a town
30 meeting form of government, such vote may be made by the board of
31 selectmen in lieu of a town meeting. For informational purposes only,
32 a copy of any notice filed with a town clerk pursuant to this subsection
33 shall be filed with the commission. Nothing in this subsection shall be
34 construed to require any action by the commission on any such notice
35 filed with the commission. The commission may dismiss any
36 complaint concerning the failure to post such minutes on a public
37 agency's web site, provided such complaint was filed with the
38 commission prior to the effective date of this section. Each [such]
39 public agency shall make, keep and maintain a record of the
40 proceedings of its meetings.

41 (b) Each such public agency of the state shall file not later than
42 January thirty-first of each year in the office of the Secretary of the
43 State the schedule of the regular meetings of such public agency for the
44 ensuing year and shall post such schedule on such public agency's
45 Internet web site, if available, except that such requirements shall not
46 apply to the General Assembly, either house thereof or to any
47 committee thereof. Any other provision of the Freedom of Information
48 Act notwithstanding, the General Assembly at the commencement of

49 each regular session in the odd-numbered years, shall adopt, as part of
50 its joint rules, rules to provide notice to the public of its regular,
51 special, emergency or interim committee meetings. The chairperson or
52 secretary of any such public agency of any political subdivision of the
53 state shall file, not later than January thirty-first of each year, with the
54 clerk of such subdivision the schedule of regular meetings of such
55 public agency for the ensuing year, and no such meeting of any such
56 public agency shall be held sooner than thirty days after such schedule
57 has been filed. The chief executive officer of any multitown district or
58 agency shall file, not later than January thirty-first of each year, with
59 the clerk of each municipal member of such district or agency, the
60 schedule of regular meetings of such public agency for the ensuing
61 year, and no such meeting of any such public agency shall be held
62 sooner than thirty days after such schedule has been filed.

63 (c) The agenda of the regular meetings of every public agency,
64 except for the General Assembly, shall be available to the public and
65 shall be filed, not less than twenty-four hours before the meetings to
66 which they refer, (1) in such agency's regular office or place of
67 business, and (2) in the office of the Secretary of the State for any such
68 public agency of the state, in the office of the clerk of such subdivision
69 for any public agency of a political subdivision of the state or in the
70 office of the clerk of each municipal member of any multitown district
71 or agency. For any such public agency of the state, such agenda shall
72 be posted on the public agency's and the Secretary of the State's web
73 sites. Upon the affirmative vote of two-thirds of the members of a
74 public agency present and voting, any subsequent business not
75 included in such filed agendas may be considered and acted upon at
76 such meetings.

77 (d) Notice of each special meeting of every public agency, except for
78 the General Assembly, either house thereof or any committee thereof,
79 shall be posted not less than twenty-four hours before the meeting to
80 which such notice refers on the public agency's Internet web site, if
81 available, and given not less than twenty-four hours prior to the time
82 of such meeting by filing a notice of the time and place thereof in the

83 office of the Secretary of the State for any such public agency of the
84 state, in the office of the clerk of such subdivision for any public
85 agency of a political subdivision of the state and in the office of the
86 clerk of each municipal member for any multitown district or agency.
87 The secretary or clerk shall cause any notice received under this section
88 to be posted in his office. Such notice shall be given not less than
89 twenty-four hours prior to the time of the special meeting; provided, in
90 case of emergency, except for the General Assembly, either house
91 thereof or any committee thereof, any such special meeting may be
92 held without complying with the foregoing requirement for the filing
93 of notice but a copy of the minutes of every such emergency special
94 meeting adequately setting forth the nature of the emergency and the
95 proceedings occurring at such meeting shall be filed with the Secretary
96 of the State, the clerk of such political subdivision, or the clerk of each
97 municipal member of such multitown district or agency, as the case
98 may be, not later than seventy-two hours following the holding of such
99 meeting. The notice shall specify the time and place of the special
100 meeting and the business to be transacted. No other business shall be
101 considered at such meetings by such public agency. In addition, such
102 written notice shall be delivered to the usual place of abode of each
103 member of the public agency so that the same is received prior to such
104 special meeting. The requirement of delivery of such written notice
105 may be dispensed with as to any member who at or prior to the time
106 the meeting convenes files with the clerk or secretary of the public
107 agency a written waiver of delivery of such notice. Such waiver may be
108 given by telegram. The requirement of delivery of such written notice
109 may also be dispensed with as to any member who is actually present
110 at the meeting at the time it convenes. Nothing in this section shall be
111 construed to prohibit any agency from adopting more stringent notice
112 requirements.

113 (e) No member of the public shall be required, as a condition to
114 attendance at a meeting of any such body, to register the member's
115 name, or furnish other information, or complete a questionnaire or
116 otherwise fulfill any condition precedent to the member's attendance.

117 (f) A public agency may hold an executive session, as defined in
118 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
119 of the members of such body present and voting, taken at a public
120 meeting and stating the reasons for such executive session, as defined
121 in section 1-200.

122 (g) In determining the time within which or by when a notice,
123 agenda, record of votes or minutes of a special meeting or an
124 emergency special meeting are required to be filed under this section,
125 Saturdays, Sundays, legal holidays and any day on which the office of
126 the agency, the Secretary of the State or the clerk of the applicable
127 political subdivision or the clerk of each municipal member of any
128 multitown district or agency, as the case may be, is closed, shall be
129 excluded.

130 Sec. 2. Section 1-2 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2009*):

132 Each provision of the general statutes, the special acts or the charter
133 of any town, city or borough which requires the insertion of an
134 advertisement of a legal notice in a daily newspaper shall be construed
135 to permit such advertisement to be inserted in a daily or weekly
136 newspaper; but this section shall not be construed to reduce or
137 otherwise affect the time required by law for giving such notice. For
138 any requirement for the insertion of an advertisement of a legal notice
139 by a town, city or borough, the legal notice may be posted in a
140 conspicuous place on the town's, city's or borough's web site in lieu of
141 insertion of such advertisement in a daily or weekly newspaper,
142 provided such town, city or borough, regardless of population,
143 complies with the web site posting requirement contained in
144 subsection (a) of section 1-225, as amended by this act. Any such legal
145 notice posted on a town's, city's or borough's web site shall indicate the
146 date such notice is first posted on such web site. Whenever notice of
147 any action or other proceeding is required to be given by publication in
148 a newspaper, either by statute or order of court, the newspaper
149 selected for that purpose, unless otherwise expressly prescribed, shall

150 be one having a substantial circulation in the town in which at least
151 one of the parties, for whose benefit such notice is given, resides."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-225
Sec. 2	<i>October 1, 2009</i>	1-2